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DEPARTMENT OF STATE

WASHINGTON

9-8381

November 2 1957

MEMORANDUM FOR: The Director, Central Intelligence Agency

SUBJECT: Disposition of U.S. Copies of Captured  
German Records

Your memorandum of July 24, 1957, concerning the release to the U.S. public domain of microfilm copies of captured German Foreign Office documents held at present in the Department of State has been carefully studied here. The Department has also consulted the British Foreign Office which has microfilm copies of these same documents and pursues policies with respect to their release in concert with us.

Particular attention has been given to the list of examples, cited in your memorandum, of documents and files containing information of a sensitive counterintelligence nature. Attached is an analysis of these various items.

I note that your memorandum refers only to "certain of these materials" as containing information unsuitable for release. It appears from our analysis that the examples cited fall into 2 broad categories: a) Items containing specific information about the intelligence personnel of the German Government and of other Governments, and b) other items, such as reports of German ambassadors abroad and political intelligence reports from a variety of sources which do not have this special counterintelligence character.

If the criteria of what constitute documents of a sensitive counterintelligence nature are defined so broadly as to include the generality of political intelligence reports, thousands of documents would be involved, many of them of great historical importance. To exclude these documents from the study of Nazi foreign policy would make it impossible for the tripartite historical project to complete its program on an objective basis, and would strike a damaging blow at the efforts of the three governments to publish an accurate record of Nazi diplomacy before and during the war.

On the other hand, if documents of sensitive counterintelligence interest are understood to be those in category a) above--that is, documents relating strictly to the intelligence personnel of

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Germany and of other Governments, the problem has a much reduced magnitude, since such documents are relatively few in number.

I hope I am justified in assuming that this is the type of document that the Agency objects to releasing.

I suggest that the Agency inform us as quickly as possible of the specific items of this type which are found among the approximately 500 containers of microfilms pending transfer. In this connection I note that, as of May 30, 1957, only 50 containers out of this group had been screened after six months' work. If the Agency desires to screen all of the 500 containers it is evident that the tempo of the screening process will need to be quite considerably increased.

I might point out that of the 11 items cited in your memorandum, five--Nos. 528, 736, 2057, 36 and 40--are not in the group listed for immediate release. Of the six items which are so listed, only two--those cited from serials Nos. 26 and 971--are of a specifically counterintelligence nature. If this sample is at all indicative, it would appear that only a small proportion of the 500 containers whose release has been held up for nearly a year pending CIA screening contain material of a sensitive counterintelligence interest.

The British Foreign Office, in agreement with British Intelligence, has proposed to us that serials 528, frames 238407-09, and 971, frames 302731-34, 302738-39 and 302757-86 (in which British Intelligence had previously expressed special interest) be placed in the public domain in the Public Record Office and National Archives. Researchers, it is suggested, should be told, however, that the originals have been returned to the German Government, and that applications should be made there for inspection of them or for copies.

The Department does not consider this to be a workable arrangement. Further discussions with the British will be necessary. At the same time the Department fully concurs with the British Foreign Office in the view that it would be very undesirable to adopt any procedure with respect to these documents which would have the effect of undermining the tripartite agreement of April 18, 1956, with the Bonn Government, providing for the return of the Foreign Office documents to the Federal Republic.

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I may note that these captured German Foreign Office documents were extensively exploited for U.S. intelligence purposes in the years immediately following the war. The request for such additional screening as is now in course, 11 years later, was therefore surprising. I am of course anxious to be of assistance in facilitating this work, but I am also much concerned that the speed of the work be greatly accelerated.

As a method of procedure I would suggest the following:

1. That priority be given by the Agency to the screening of the 500 containers now pending release and that those containers which have sensitive and significant counterintelligence material be removed from the list for immediate transfer.
2. That discussions be continued between the Agency and the Department regarding the handling and disposition of those materials in the records of the former German Foreign Office which may be regarded as having significant counterintelligence sensitivity.

For the Secretary of State:

*Robert Murphy*  
Robert Murphy  
Deputy Under Secretary

Attachment:

Analysis of the Items Listed in  
the Central Intelligence Agency  
Memorandum of July 24, 1957.

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